

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Dathan Shaka McIntyre

Docket No. 7:14-CR-17-1FL

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dathan Shaka McIntyre, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Convicted Felon, in violation of 18 U.S.C. §§ 922(g) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on September 4, 2014, to the custody of the Bureau of Prisons for a term of 38 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Dathan Shaka McIntyre was released from custody on February 17, 2017, at which time the term of supervised release commenced.

On May 31, 2017, the court was informed that McIntyre incurred a citation for misdemeanor Trespassing for which he was admonished by his supervising probation officer.

On September 30, 2017, McIntyre served a 2-day DROPS sanction for testing positive for marijuana.

On July 18, 2018, the court was informed that McIntyre incurred a citation for driving a vehicle without a license for which he was admonished by his supervising officer.

On January 11, 2019, the Court agreed that the probation office monitor and report to the court if McIntyre is found guilty of a criminal summons alleging he committed the offense of misdemeanor Assault on a Female.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On March 21, 2019, McIntyre was subjected to a random urinalysis test which resulted in a positive reading for marijuana.

The positive urinalysis result reflects McIntyre's second positive test which, pursuant to his conditions of supervised release, exposes him to a 5-day DROPS sanction. However, as the Bureau of Prisons has been unable to quickly schedule placements into this program and the fact that such a sanction would jeopardize the offender's full-time employment, it is recommended that McIntyre remain on supervision and that he be referred to substance abuse treatment, returned to the Surprise Urinalysis Program (SUP), and be subjected to cognitive behavioral techniques in an effort to return him to compliance and prosocial behavior. It is further recommended the DROPS condition be stricken.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The DROPS condition previously imposed be stricken.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Erik J. Graf
Erik J. Graf
U.S. Probation Officer
414 Chestnut Street, Suite 102
Wilmington, NC 28401
Phone: 910-679-2031
Executed On: April 8, 2019

ORDER OF THE COURT

Considered and ordered this 9th day of April, 2019, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge